



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
37 C.F.R. § 3.73(b) Statement

Applicant:

David Miller et al.

For:

SAWING APPARATUS AND SAW FENCE SYSTEM

Serial No.:

09/134,854

Filed: August 14, 1998

Delta International Machinery Corp. (a Minnesota organization) is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the United States Patent and Trademark Office on ____ at Reel __, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above to the current assignee as shown below:

1. From ____ To: ____

The document was recorded in the United States Patent and Trademark Office on ____ at Reel __, Frame _____, or for which a copy thereof is attached.

- ☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Power Of Attorney

I hereby revoke all previous powers of attorney, if any, and appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Carol I. Bordas,
Tara C. Cacciabauda,
George D. Dickos,
Thomas J. Edgington,
Christine R. Ethridge,
Jason D. Haislmaier,
Robert P. Hoag,
William E. Kuss

Reg. No. 37,284
Reg. No. 40,935
Reg. No. 30,048
Reg. No. 34,324
Reg. No. 30,557
Reg. No. 40,300
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James R. Kyper,
Mark R. Leslie,
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Jonathan C. Parks,
Darren E. Wolf,
Robert D. Yeager,

Reg. No. 27,346
Reg. No. 36,360
Reg. No. 37,397
Reg. No. 40,120
Reg. No. 36,310
Reg. No. 25,047

Please Direct All Correspondence to: Mark R. Leslie, Esquire
Kirkpatrick & Lockhart, LLP
1500 Oliver Building
Pittsburgh, PA 15222-2312

Declaration

I hereby declare that my presentation of this paper constitutes a certification under 37 C.F.R. § 10.18, which provides, in part, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application and any patent issuing therefrom.

Date

SEPT 24, 1998

Signature

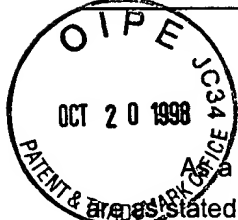
Name

John P. Jodkin

Title

Vice President-Finance

X
X



DECLARATION

INVENTORSHIP IDENTIFICATION

I, a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

SAWING APPARATUS AND SAW FENCE SYSTEM

SPECIFICATION IDENTIFICATION

the specification of which:

- (a) ☐ is attached hereto.
- (b) ☒ was filed on August 14, 1998, as ☒ Serial No. 09,134,854
☐ and was amended on (*if applicable*).
- (c) ☐ was described and claimed in PCT International Application No. filed on
☐ and was amended on (*if applicable*).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56.

PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d) (Prior Foreign/Pct Application(S) Filed Within 12 Months (6 Months For Design) Prior To This Application)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate(s) or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate(s) or any PCT international application(s) having a filing date before that of the application(s) of which priority is claimed.

Application Number	Country or PCT	Date Of Filing (Day, Month, Year)	Priority not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> YES NO <input type="checkbox"/>

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. § 119(e)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date

CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S) UNDER 35 U.S.C. 120

(All Foreign Application(S), *If Any*, Filed More Than 12 Months
(6 Months For Design) Prior To This U.S. Application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or 365(c) PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application.

U.S Parent Application No.	PCT Parent Application No.	Date Of Filing (Day, Month, Year)	Parent Patent No. (<i>If applicable</i>)

DECLARATION

I hereby declare that my presentation of this paper constitutes a certification under 37 C.F.R § 10.18, which provides, in part, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application and any patent issuing therefrom.

SIGNATURE(S)

Inventor(s)

David Miller
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

X Inventor's signature *David Miller* X
 Date 9-29-98 Country of Citizenship U.S.A.
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Robert D. Donovan
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

X Inventor's signature *Robert D. Donovan* X
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Delwyn N. Pounders
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

X Inventor's signature *Delwyn N. Pounders* X
 Date 9/29/98 Country of Citizenship USA
 Residence Saltillo, MS 38866
 Post Office Address: 841 Road 1253, Saltillo, MS 38866

Jerry W. Ford
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

X Inventor's signature *Jerry W Ford* X
 Date 9-29-98 Country of Citizenship USA
 Residence Plantersville, MS 38862
 Post Office Address: 181 Road 648, Plantersville, MS 38862

- ☐ Signature by administrator(trix), or legal representative for deceased or incapacitated inventor. Number of pages added _____.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added _____.
- ☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47) Number of pages added _____.
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.
- ☒ This declaration ends with this page.



Practitioner's Docket No. 97482

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Miller et al. Group No.:

Serial No.: 09 / 134,854

Filed: August 14, 1998

Examiner:

For: SAWING APPARATUS AND SAW FENCE SYSTEM

Assistant Commissioner for Patents
Washington, D.C. 20231

**STATEMENT BY PRACTITIONER THAT APPLICATION FILED IN PTO
IS THE ONE INVENTOR EXECUTED BY SIGNING DECLARATION**

NOTE: This form is to be used when the declaration only indicates the name(s) of the inventor(s) and the title of the invention. Notice of September 12, 1983, 1035 O.G. 3.

I,

Jason D. Haislmaier

Name of Practitioner

Kirkpatrick & Lockhart LLP

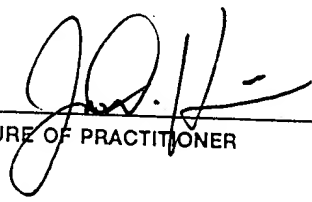
P.O. Address

1500 Oliver Building, Pittsburgh, PA 15222

Reg. No. 40,300

Tel. No. (412) 355-8259

I state I am the registered practitioner for this application and the application identified above is the application that the inventor(s) executed by signing the declaration that is being submitted herewith.


SIGNATURE OF PRACTITIONER

Customer No.:

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: _____

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature _____

(type or print name of person certifying)

(Statement by Practitioner That Application Filed in PTO Is the One Inventor Executed by Signing Declaration
[5-10])

Attorney's Docket No. 97482

PATENT

For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application or
☐ U.S. Provisional Application
For: ☐ U.S. Patent
For: ☐ PCT Application
By: Multiple Inventors

ASSIGNMENT OF INVENTION (MULTIPLE INVENTORS)

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS (Inventors):

David Miller
(Type and Print the Names of the Inventors)

1908 Swallow Lane
Tupelo, MS 38857 USA
Address Nationality

Robert D. Donovan
(Type and Print the Names of the Inventors)

527 Highway 37 North
Mooreville, MS 38857 USA
Address Nationality

Delwyn N. Pounders

841 Road 1253
Saltillo, MS 38866 USA

Jerry W. Ford

181 Road 648
Plantersville, MS 38862 USA

hereby sells, assigns and transfers to

ASSIGNEE:

Delta International Machinery Corp.
(type or print name of ASSIGNEE)

246 Alpha Drive
Address

(a Minnesota corporation)
Nationality

Pittsburgh, Pennsylvania 15238-2985

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

☒ the entire right, title and interest

☐ an undivided _____ percent (_____ %) interest for the United States
and its territorial possessions

(check the following box, if foreign rights are also to be assigned)

☒ and in all foreign countries, including all rights to claim priority, in and to any and all
improvements which are disclosed in the invention entitled:

SAWING APPARATUS AND SAW FENCE SYSTEM

(check and complete (a), (b), (c), (d), (e), (f) or (g))

and which is found in

(a) ☐ U.S. patent application executed on even date herewith

(b) ☐ U.S. patent application executed on _____

(c) ☐ U.S. provisional application naming the above inventor(s) for the above-entitled invention ☐ Express
mail label no.: _____ Mailed: _____

☐ To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR signing below,
hereby authorize and request my attorney to insert below the filing date and application number when they
become known.

(d) ☒ U.S. application no.: 09/134,854 filed on August 14, 1998

(e) ☐ International application no. PCT / _____ / _____
filed on _____

(f) ☐ U.S. patent no. _____ issued _____

☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is
being sent separately.

(also check (g), if foreign application(s) is also being assigned)

(g) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority and, in
and to, all Letters Patent to be obtained for said invention by the above application or any continuation,
division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, We have hereunto set hand and seal this 9-29-98
Date of signing

WARNING:

The date of signing must be the same as the date of execution of the application, if item (a) was checked above.

David Miller
(type name of Inventor)

David Miller
Signature of Inventor

Robert D. Donovan

Robert D. Donovan

Delwyn N. Pounders

Delwyn N. Pounders

Jerry W. Ford

Jerry W. Ford

☐ Notarization or Legalization Page Added.

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized, then it will only be prima facie evidence of execution. 35 USC 261. Use next page if notarization is desired.